



ADVISORY COMMITTEE MEETING OF THE BUREAU OF BARBERING AND COSMETOLOGY

MINUTES OF NOVEMBER 18, 2008

**The Westin Los Angeles Airport Hotel
5400 West Century Blvd.
Los Angeles, CA 90045**

COMMITTEE MEMBERS PRESENT

Jerry Tyler, President
Richard Hedges, Vice President
Deedee Crossett
Frank Lloyd
Ken Williams

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Denise Johnson, Assistant Executive Officer
Theresa Rister, Administrative Assistant
Stacy Meza, Administration Unit
LaVonne Powell, Legal Counsel

COMMITTEE MEMBERS ABSENT:

Jerri Ann Walters
Socorro Farias
Marlene Gadinis

1. Agenda Item #1, CALL TO ORDER/ROLL CALL

Mr. Tyler called the meeting to order at 10:00 a.m. The Committee members and staff members present introduced themselves.

2. Agenda Item, #2, Committee Member Reports

Ken Williams reported he created outreach programs to bridge the gap between the public and private sector in the beauty school industry. He visited various salons to accept graduates. He attended ride-longs with inspectors. Continued advocacy for change. He also was very active on the Disciplinary Review Committee (DRC).

Deedee Crossett has been very active in outreach. She recently attended the Face and Body Conference in San Francisco in August.

Frank Lloyd gave an update on attending DRC, he stated most meetings were held in Northern California due to the budget. In Los Angeles, over 1,500 infractions occurred;

180 were resolved. In March 2008, 550 were scheduled for the Los Angeles area, 98 in Northern California. The DRC will be working hard to catch up after the budget issues. He thanked staff for thoroughly preparing the committee prior to their meetings.

At this point, Mr. Tyler introduced the State and Consumer Services Agency Secretary, Rosario Marin. She stated she was gratified with the overall meeting attendance and looks forward to the next Summit.

Richard Hedges reported he was on the DRC and was proud of the hard work they have done. He noted Mr. Lloyd changed the tone of the DRC and it was very effective and not combative. He was also a member of the enforcement committee that has produced impressive statistics. The public has been educated in a positive manner.

Jerry Tyler noted he was a strong advocate for outreach over the last 6 months. He has visited over 35 beauty schools as a guest lecturer. He found a great need for mentors. He encouraged Committee members to go to the schools. He attended various shows. He announced he was made a featured writer for Stylist Magazines which are nationwide.

At this point, Mr. Tyler introduced Senator Lou Correa. Mr. Correa thanked the Bureau for their commitment in working with the industry to provide consumers with the best practices and safety.

3. Agenda Item #3, Executive Officers Report

Kristy Underwood reported that on November 1, the address suppression was implemented on licenses. The license could be folded over and the address not visible to the public. The updates to the laws and regulations are being reviewed by the legal office and will be printed and be made available to the public upon completion. In addition to English they will also be available in Vietnamese and Spanish. An informative program is being developed regarding foot spas in connection with the Department of Public Affairs. We are looking at creating some type of video, which will demonstrate how to clean the different types of foot spa chairs. It will be available on YouTube, the website and available on DVD. Videos are also being developed regarding inspections of nail, hair and facial salons.

Ms. Underwood reported a cosmetology and manicuring exam was conducted at Chowchilla Correctional Facility for Women. Of 4 cosmetology students, 1 passed who will be paroled very soon. Of 4 manicuring students, 1 passed. Mr. Williams commented this was very important to provide jobs for individual with felonies. Ms. Underwood hoped another test could be conducted shortly. She noted some people only failed by a few points. In addition, Department of Corrections is attempting to expand their program.

4. Agenda Item, #4, Review of Licensing Statistics

Ms. Underwood presented the licensing statistics. There is currently a 4 week turnaround time. She confirmed applications for licenses and renewals can be done online via at the Bureau's website.

5. Agenda Item #5, Review of DRC Statistics and Schedule

The DRC statistics were presented. Mr. Lloyd noted licensees can now present their explanations in writing to save time and money. Mr. Williams agreed the DRC meetings are no longer adversarial. He believed this was a result of outreach including the website. He encouraged the public to let their voices be heard and to comment on the website. Mr. Hedges has fielded questions from salon owners regarding enforcement cites and fines. Mr. Tyler encouraged the public to attend the DRC meetings to learn about the inspection and appeals process.

6. Agenda Item #6, Review of Enforcement Statistics

Enforcement statistics were presented and reviewed for the first quarter (July-September). Ms. Underwood explained application investigations were conducted for applicants with past convictions. There were 2,759 citations issued in the quarter. The probation unit includes 1 staff person who monitors all probation cases. There are currently 335 probation cases. The probation monitor reviews the cases. Once put on probation, the licensee is contacted by the probation monitor to clarify every issue of the probation. Reinstatement of a license is determined based on rehabilitation factors on a case-by-case basis. Immediate suspensions were also determined on a case-by-case basis depending on the severity. Ms. Underwood explained if a salon is found to be putting a consumer in immediate harm, the establishment is placed on an immediate suspension and probation. Ms. Underwood describes the immediate suspension process to the committee and states the inspector takes a picture of the dirty foot spa and sends it immediately to either the Assistant Executive Officer or herself. A decision is made promptly based on the severity of the foot spa picture and comments from the inspector. Re-inspections are typically conducted every 30 days after being placed on the immediate suspension, the owner is charged a fee for any follow-up inspection(s) that may occur. They are then instructed to take an 8 hour remedial education course and inspected regularly. She noted this has been a very successful program. Mr. Williams commented that the Bureau sent out a request to schools to provide remedial education. Most appellants at the DRC agreed to remedial education. He hoped many schools would sign up for this program.

7. Agenda Item #7, Budget Update

The current budget projections were presented to the Committee.

8. Agenda Item #8, Proposed Regulations Update

Ms. Underwood reported a new staff person will start Dec 1st and will be working on updating our regulations. It was agreed the regulations, particularly in health and safety, needed to be redefined. Other states are being looked into. A proposal will be brought to the Board in January for review.

Ms. Underwood reported 5 inspectors have been added to the field: 2 in San Diego, 2 in Los Angeles and 1 in Bakersfield. She hoped offers will be made to 4 more inspectors in Northern California very soon. After this, there will be 23 inspectors. The goal was to eventually have 30. The qualifications of an inspector were briefly outlined. A new training program is being developed.

Ms. Crossett hoped the regulations can promote consumer safety as well as a green environment. Mr. Williams agreed and stated the industry needed to adapt.

9. Agenda Item #9, Legislation Update

AB518 - signed by the Governor. (Removes timeline and makes threading permanently exempt.)

AB865 – vetoed by the Governor. (Live customer agents)

AB1545 – signed by the Governor (Re-creates the Board)

AB1925 – no action. (Franchise Tax Bureau professional license)

AB2423 – signed by the Governor (authorizes the bureau to issue probationary licenses)

AB2689 -no action. (Vietnamese Nail Worker Information and Training Act)

AB2746 – no action (to establish Bureau of Private and Postsecondary)

SB797 – signed by Governor (recreated the Bureau – Governor's office is working to make the appointments by the end of the year. As of January 1, the members will be interim Bureau members until the appointments are made.)

SB823 – vetoed by Governor (Establish, recast and revise the Bureau of Private Postsecondary Education)

SB963 – signed by the Governor (abolished the joint committee on Bureau commissions)

SB1579 – no action (medical referrals)

Mr. Williams asked if there was any movement in the Bureau's authority to regulate schools. Ms. Underwood believed this would be discussed in agenda item #12.

10. Agenda Item #10, Industry/Consumer Outreach Update

Staff presented the list of 2008 trade shows that were attended. The projected tradeshow for 2009 will be presented at the January meeting.

11. Agenda Item #11, Discussion on Minimum Requirements to Qualify for an Establishment License:

Currently an establishment owner's license is not required to own an establishment. However, 1,505 citations were issued to establishment owners. Mr. Lloyd confirmed the DRC dealt with a lot of owners who did not feel they were responsible to enforce health and safety rules and regulations. Legislation would have to be pursued to establish this license. Staff is working on the details and will present more information at the January Bureau meeting. Mr. Tyler stated some owners were relying on the licensees for information. He agreed a 1-2 day seminar or an online course would be very beneficial. Ms. Underwood noted a licensee always had to be in charge. Ms. Crossett recommended a general health and safety training. Ms. Underwood noted ideas and recommendations will be brought to the Bureau in January.

PUBLIC COMMENT:

Fred Jones commented on areas of section 7348, that stated a licensee shall be in charge of an establishment. He advocated more layers of responsibility. He was concerned about the responsibilities of establishment owners (landlords) vs. booth renters (70% of salons). The landlord is required to control the licensees. However, if they're not employees, the landlord does not have the right to control. The PBFC will be discussing proactive ideas including professional liability insurance.

Luis Payne commented, if the Bureau had discussed a demonstrators license. He also wondered if hair extensions would be included in the schools curriculum. Mr. Tyler noted this could be revisited, although braiding was deregulated and not in the scope of practice. He noted hair extensions are a major concern and in the Bureau's sphere of influence. Consumer safety was a very important issue in extensions. Ms. Crossett recommended addressing future technology. Mr. Williams encouraged instructors and school owners to voice their opinions on changes in the industry.

Andrew Hillas of Woodward Laboratories noted his company specialized in consumer protection. He recommended a grading system for salons, especially nail spas.

Mr. Pham stated he recently received a citation. He asked if he could write a letter to the department in Vietnamese. Ms. Underwood stated they preferred the correspondence in English. He asked if an interpreter could be brought to the hearings. Ms. Underwood replied an interpreter would be provided at the administrative hearing, but the DRC was more informal and a personal interpreter would need to be brought in by the appellant.

At this point the meeting was convened for lunch. It was reconvened at approximately 2:00 p.m.

12. Agenda Item #12, Discussion on School Approvals and Proposed Regulations

Ms. Underwood noted there no longer is a Bureau of Private, Postsecondary and Vocational Education. It will not be reinstated soon. The Bureau (BBC) had the responsibility to look at schools for barbering and cosmetology but had very limited guidelines in current regulations. A draft of proposed regulatory language was presented for discussion. Ms. Underwood requested the package be moved forward to allow staff to work with legal counsel to define any further changes. Mr. Williams made the motion to move the item forward. Mr. Hedges seconded the motion.

Being a school owner Mr. Williams stated he agreed there should be a mechanism for oversight. It was logical this should be the responsibility of the Bureau. Ms. Crossett believed the regulations should be very defined. She recommended the approval be sought prior to signing a lease. Ms. Underwood noted the proposal was a starting point and will be much detailed in the future. It had to go through the entire regulatory process. Mr. Hedges noted this would place an extra burden on the office staff. Ms. Underwood agreed the office did not have the resources and more staff would be included in the legislation. Mr. Williams agreed protections for liability should be included for protecting students. Ms. Crossett asked about the funds from the old student tuition recovery fund. Staff was unsure. Ms. Crossett recommended a system requirement to maintain student files and keep track of hours. This would protect a student if their school closed or they transferred and have their records maintained in one location. Mr. Tyler believed other states' processes should be looked at to see what worked. He believed schools should be monitored to ensure hours were reported accurately and honestly. Mr. Williams believed it was important to define the boundaries and requirements of the various instructors and trainers.

Public Comment:

Patsy Kirby with the Electrology Association of California asked the Bureau to consider the special requirements of electrology.

Fred Jones of PBFC stated the PBFC preferred the Bureau be the sole regulatory oversight body within the DCA of the schools with all the responsibilities and authorities to regulate the private beauty colleges. He noted the recovery fund was available. The proposed regulations will cover new schools and would be competing against established schools that had no oversight.

Nicholas Rodriguez wondered if a person who was a cosmetologist could always be an instructor. He recommended raising the qualifications to be a licensed instructor. He believed every school should meet the minimum qualifications no matter the subject area.

Guadalupe Fernandez expressed her concerns about new schools opening just for the money. She stated her school works to high standard. She supported the Bureau's oversight and regulation of the schools.

Linda Lam noted her school developed their own program to comply with the Bureau's regulations of a curriculum. Her instructors were licensed cosmetologists with 600 hours. They were instructed in preparing a lesson plan. She recommended this program for other schools. She hoped the Bureau will develop a requirement that records are needed to be maintained for instructors completing programs. Ms. Lam appreciated the proposal of the Bureau's oversight to prepare good teachers.

Peter Westbrook supported the Bureau's oversight. He noted the real victims of non regulation were the students. He hoped a task force would be formed to review the proposal.

Lisa Fu of the California Healthy Nail Salon Collaborative presented a brief overview of the collaborative activities and their work with the Bureau's staff. They hoped to be able to provide input on the inspector training and review the fine schedule. She encouraged everyone to sign their mailing list to receive additional information.

Ms. Crossett recommended the school's statistics be available to students. Mr. Tyler noted there were various ways for teachers to become qualified.

A motion was made by Mr. Hedges, seconded by Mr. Lloyd. It was voted 5-0 to move the item forward.

13. Agenda Item #13, Presentation of New Foot Spa Technology

A presentation was made by Michael Ngo of T4 Spa. He discussed disposal liners as an alternate to disinfecting chemicals. The liners are recyclable and use less water. Chemicals pose chance of human error. He demonstrated the installation and use of the liner. After use and removal of the liner the foot spa is wiped down with a disinfecting wipe. At the request of the Bureau, the recycling symbol will be added.

Ms. Underwood noted the product currently did not meet the regulations. Further research would need to be pursued to see if the product could be compliant or the regulations be changed to include liners. The Department of Health Services would have to approve the change. The burden would be on the company to do research and comply with regulations. Mr. Hedges questioned the integrity of the clamping holes and the plastic. Mr. Ngo stated the appliance would be wiped down for 10 minutes after removing the liner.

14. Agenda Item #14, PUBLIC COMMENT

Isabel Calleros from Dermaesthetics presented her proposal for an esthetician only training facility. She had an extensive background in cosmetology and aesthetics. The esthetician license in California was instituted over 20 years ago. The esthetician industry has dramatically expanded since that time. She recently has discovered some estheticians schools had instructors that had never done facials. They learned from a textbook. Mr. Tyler noted there were at least 3 schools in the area that had separate branches for esthetician. Ms. Underwood explained esthetician was now defined as a branch of cosmetology. Cosmetology or electrolysis schools were allowed. To add esthetician as a separate entity, a bill would need to be passed and signed by the Governor. It was a 2 year process. Ms. Underwood stated she would be happy to talk with Ms. Calleros but encouraged her to talk to her local senator or assembly member to sponsor legislative action.

Douglas Lee also of Dermaesthetics noted Ms. Calleros was able to change the laws in Arizona and North Carolina. Ms. Crossett noted estheticians and cosmetologists would be able to collaborate in a positive way.

Phi Long Mai, stated he was treated rudely and like a criminal during an inspection. He noted his chair renters were very scared. He feels discriminated against with the inspectors. Mr. Tyler stated the inspectors were trained to be professional and diligent. Mr. Williams noted the cure for fear is education.

Jaime Schraback, Precision Nails, agreed a more proactive approach is beneficial. She asked the Bureau to use their website to publish position statements. This would let the consumers and licensees know where the Bureau stood prior to an inspection. Mr. Tyler recommended reading the California Stylist Bureau Page which typically includes these items. He stated the Bureau and staff were very proactive in the industry.

Linda Lam noted if one spa was found to be infected during an inspection it would affect the water supply and every spa in the establishment. She stated spa owners were responsible to train their people. If they were trained properly, they should have no fear when a state inspector arrives. The students need to be trained more than what they learned in school. She recommended workers should be properly trained to avoid citations.

Kevin Nguyen, member of the audience agreed the rules and regulations needed to be followed. He asked who to ask if they had a problem. He believed inspectors were not polite and discriminated against them because English was not their first language. He believed inspectors should teach along with giving fines. Mr. Hedges noted he has participated in a lot of ride-alongs and the inspectors were always polite. He stated anybody who thinks they have been treated unfairly needs to file a complaint and send a letter to the Bureau. The Committee and Bureau staff take these concerns and complaints very seriously. A male audience member noted a lot of the problems stem from English not being their first language.

Jenny Fong expressed her concerns regarding booth renters and salon owners sharing responsibility. She asked the Bureau's position on this issue. It was noted the owner of the establishment is ultimately responsible for anything that happens in the shop. Some changes may be coming in the future. The Bureau's goal is to protect the consumer.

Minh Trieu of Asian American International Beauty College asked about the establishment license and what number to use. Staff clarified the students were to use their own numbers. It was noted to keep the cleaning logs simple with the pertinent numbers.

15. Agenda Item #15, ADJOURNMENT

With no further business, the meeting was adjourned.